



Paul W. Grimm is a full-time Magistrate Judge for the U.S. District Court for the District of Maryland and is an adjunct member of the University of Maryland School of Law, where he teaches trial evidence, pretrial civil procedure, and evidence. He is a frequent lecturer at CLE programs on issues regarding evidence and civil procedure, and has put books and numerous articles on these topics.

Judge Grimm was previously in private practice in Baltimore for 13 years, handling commercial litigation. He also served as Assistant Attorney General for the State of Maryland, as Assistant State's Attorney for Baltimore County, Maryland; Captain in the U.S. Army Judge Advocate General's Corps. In 2001, Judge Grimm retired as a Lieutenant Colonel in the Army Reserve.

Judge Grimm earned his undergraduate degree at the University of California, Davis, in 1973. He graduated from the New Mexico School of Law in 1976.



Debra Katz
Bernabei & Katz, PLLC

Debra S. Katz is a partner at Bernabei & Katz, PLLC, a Washington, D.C.-based civil rights law firm that specializes in discrimination, employee rights, sexual harassment, whistleblower and civil rights litigation. She writes and speaks on employment law issues, and is a regular panelist on employment law programs of the American Law Institute-American Bar Association.

From 1984 to 1985, Ms. Katz clerked for Justice William Bablitch of the Wisconsin Supreme Court. She held a Won Public Policy Fellowship through Georgetown University Law Center from 1985 to 1986. Ms. Katz graduated summa cum laude from Union College in 1980 and earned her J.D. with honors from the University of Wisconsin in 1984.

Outline + Synopsis

Outline

Employment Litigation Ethics: Evidence and Settlement Issues

- I. Ethics of Settlement Negotiations
 - A. Statements Made in Settlement Talks
 1. Model Rule 4.1
 2. *Ausherman v. Bank of America Corp.*
 3. Statements About Damages
 4. Room for Negotiation
 5. Judge's Role in Settlement
 6. Blatant Lies Versus Puffery
 7. Weak Lawyers Pay
 8. Rule 408
 9. Confidentiality of Settlement Talks
 10. Mediator or Judge?
 11. Handling Poor Lawyering
 - B. Confidentiality Agreements
 1. Multiple Representations
 2. Agreements Losing Favor
 3. Employer Statements
 4. Multiple Clients Hypothetical
 5. Hypothetical Question
 - C. Retaining Opposing Attorney
- II. Spoliation of Evidence
 - A. *Park v. City of Chicago*
 - B. Federal Regulations
 - C. Best Evidence Rule
 - D. Adverse Inference Rule
 - E. Fabricated or Destroyed Evidence

AfterWordsSM

Synopsis

Zealous representation in employment cases can quickly present challenges and temptations for both plaintiff's and defense attorneys. This course addresses attorney ethics in the context of employment litigation. A group of experienced employment lawyers and judges discuss a number of ethical issues, including addressing improper statements and tactics in settlement negotiations, representing multiple clients against the same defendant, and the rules and regulations regarding spoliation of evidence.

Partner Information



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EXHIBIT

9

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Course Price Details

» Employment Litigation Ethics: Evidence and Settlement Issues

Credit Type

Any

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